



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

NOV 19 2004

DOT-E 13976
(FIRST REVISION)

EXPIRATION DATE: January 31, 2005

1. GRANTEE: Osmose Utilities Services, Inc.
Buffalo, NY
2. PURPOSE AND LIMITATION:
 - a. This emergency exemption authorizes the transportation in commerce of certain UN Standard combination packages which contain limited quantities of a wood preserver (MITC-FUME) containing Methyl isothiocyanate, a Division 6.1, Packing Group I, Hazard Zone B material, in utility vehicles that are not placarded. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.504(a) in that the placarding requirement for a 6.1, Packing Group I, Hazard Zone B material is waived.
5. BASIS: This emergency exemption is based on the application of Osmose Utilities Services, Inc., dated March 17, 2004, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss. Additional information dated November 15, 2004 was also submitted.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Methyl isothiocyanate	6.1	UN2477	I

7. SAFETY CONTROL MEASURES:PACKAGING -

a. The combination package consists of a 1-liter, plastic coated, clear glass bottle with a Teflon-lined plastic screw cap, absorbent material, inside a one gallon, lined metal paint can and lid, ring lock and UN-marked fiberboard box (4G/x6.5/S/00/USA/+AB1170). The combination package holds not more than six of the inner packagings listed below.

b. An uncapped aluminum tube with less than 30 grams of MITC-FUME as described on DOT-E 9168.

c. The packages are marked and labeled in accordance with 49 CFR Part 172.

d. The vehicles transporting the material covered by this exemption must be owned and/or leased and operated by Osmose Utilities Services or by a local utility company.

8. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

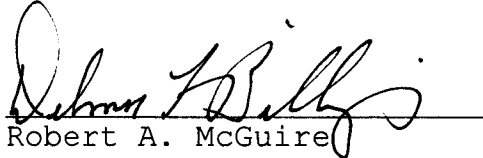
Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this

exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:


Robert A. McGuire

Associate Administrator for
Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for
Hazardous Materials Safety, Research and Special Programs
Administration, Department of Transportation, Washington,
D.C. 20590. Attention: DHM-31.

Copies of this exemption may be obtained by accessing the
Hazardous Materials Safety Homepage at
<http://hazmat.dot.gov/exemptions> Photo reproductions and
legible reductions of this exemption are permitted. Any
alteration of this exemption is prohibited.

PO: AM